

Federal Defenders
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October 1, 2021

BY ECF

Honorable John P. Cronan
United States District Judge
Southern District of New York
500 Pearl Street
New York NY 10007

**Re: United States v. Raul Gutierrez-Campos
21 Cr. 40 (JPC)**

Dear Judge Cronan,

We write to respectfully request that the Court permit the defense to file a brief reply to the Government's sur-reply (Dkt. No. 42) regarding Mr. Gutierrez-Campos' motion to dismiss (Dkt. Nos. 19, 20). The government, by Assistant United States Attorney David Robles, consents to this request.

The government's 30-page sur-reply included a number of scientific arguments which, after consulting with our expert, need to be briefly addressed. We believe that doing so in writing, in advance of the oral argument, will help the Court fully consider the issues raised therein. We ask to file this reply by Monday, October 11, 2021.

We further request that the Court adjourn the oral argument currently scheduled for October 12, 2021 for approximately two weeks, for the Court and government to consider our anticipated submission. The government consents to this request as well. (The parties also have a scheduling conflict with the currently-scheduled date.)

Thank you for your consideration

Respectfully submitted,

/s/

Sylvie Levine
S. Isaac Wheeler
Counsel for Mr. Gutierrez-Campos

Defendant's request is granted. The Defendant shall file a brief reply to the Government's sur-reply to Mr. Gutierrez-Campos' motion to dismiss by October 11, 2021. In light of the pending motion to dismiss, which was filed by Defendant on April 16, 2021, time remains automatically excluded for purposes of the Speedy Trial Act. 18 U.S.C. § 3161(h)(1)(D). The oral argument scheduled for October 12, 2021 is adjourned to October 29, 2021 at 10:00 a.m.

cc: A.U.S.A. David Robles

SO ORDERED.

Date: October 5, 2021
New York, New York


JOHN P. CRONAN
United States District Judge